Human Rights: the next generation

50 years • ans
Advancing human rights | Promouvoir les droits de la personne

Ontario

Ontario Human Rights Commission
Commission ontarienne des droits de la personne

Meet our Commissioners

Barbara Hall – Appointed November 2005
Barbara Hall, Chief Commissioner of the Ontario Human Rights Commission and former Mayor of Toronto, has served for more than 40 years as a community worker, lawyer, municipal politician and champion of a grassroots approach to community-building.

Ruth Goba – Toronto – Appointed October 2006
Ruth Goba, a lawyer, has worked domestically and internationally on disability and women's equality rights issues. From 2007 to 2009, she was the Executive Director of the Centre for Equality Rights in Accommodation (CERA), a human rights NGO that promotes housing and other economic and social rights.

Raja Khouri – Toronto – Appointed September 2006
Raja G. Khouri is managing consultant at The Knowledge Centre and specializes in organizational development and capacity building in the non-profit sector. Raja is co-founder of the Canadian Arab-Jewish Leadership Dialogue Group. He served on Ontario's Hate Crimes Community Working Group and the Equity and Inclusive Education Strategy Roundtable.

Fernand Lalonde – Gloucester – Appointed May 2005
Fernand Lalonde retired from the federal public service in 2001 after serving in many roles, including General Secretary of the National Joint Council, Executive Director of Appeals and Investigations for the Public Service Commission of Canada, and Director of Personnel Services, Parks Canada.

Julie Lee – London – Appointed September 2009
Julie Lee is a lawyer, practicing family and criminal law in St. Thomas, Ontario. Prior to her legal education she worked in the anti-violence movement as an educator, administrator and advocate. Julie's advocacy has also been directed at achieving equity and dignity for same-sex families.

Paul Lefebvre – Sudbury – Appointed September 2009
Paul Lefebvre is a partner at Lefebvre Lawyers where he practices corporate and tax law and is also a business owner. Currently he is President of the Sudbury District Law Association, and former Board Chair of the Centre de Santé Communautaire du Grand Sudbury.

Continued on inside back cover.

Ontario

June 30, 2012

The Honourable Dave Levac
Speaker of the Legislative Assembly of Ontario
Room 180
Main Legislative Building
Queen's Park
Toronto, ON
M7A 1A2

Dear Mr. Speaker:

Under Section 31.6 (2) of the Ontario *Human Rights Code*, the Ontario Human Rights Commission is required to submit a report on the Commission's activities for the previous fiscal period by June 30th of each year, to be tabled in the Legislature.

In this regard, I am pleased to provide you with the Commission's Annual Report of its activities from April 1, 2011 to March 31, 2012.

Yours sincerely,

Barbara Hall, B.A, LL.B, Ph.D (hon.)
Chief Commissioner

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Message from the Chief Commissioner

2011-2012 was a year of celebrations. We began the year by celebrating the 50th anniversary of the Ontario Human Rights Commission, and ended it by getting ready for June 15, 2012 – the 50th anniversary of the Ontario *Human Rights Code*. These milestones offered a time for reflection on where we started, the progress we have made, and the work we need to do so the next generation can continue to advance human rights in Ontario.

Looking back over five decades, there have been many changes and advances in human rights in Ontario. And there have been many people who helped to change how we dealt with human rights issues, and even what those issues were. For example, I think of the many people who have experienced first-hand the pain that racism and discrimination bring. And then I think about my predecessors, such as Daniel Hill, Rosemary Brown, Tom Symons and Catherine Frazee, who have taken steps to bring about real systemic change in Ontario.

The first *Human Rights Code* was created to undo some of the damage that racism and religious intolerance were causing in workplaces, in services, in communities and in our homes. While we have enjoyed much progress, there are still many barriers based on race and creed, and on more recent *Code* grounds such as disability and sexual orientation. There is still a clear need to prevent personal experiences of discrimination, and to eliminate the systemic barriers that often lead to that discrimination.

The challenge we face today is to learn from the past, to acknowledge there is more work to be done, and to put into place the tools the next generation will need to ensure another 50 years of human rights advances. These tools are the policies, the guidebooks, the legal decisions, the consultations and above all, the education and partnerships that defined the OHRC's work in 2011-2012.

For example, we held the largest public consultation in our history, examining discrimination faced by people with mental health disabilities. We continued our work on other disability issues, including commenting on draft standards and regulations arising from the *Accessibility for Ontarians with Disabilities Act*.

We put the finishing touches on a policy that will help individuals and organizations find respectful solutions when rights conflict with each other, and we have begun to revise our policy on creed and religious accommodation. These policies clarify the law and offer strategies for resolving future issues.

We held public interest inquiries, and in some cases took legal action, to advance human rights in housing – so all Ontarians can truly feel right at home. We also took this work a step further, by producing a guide to help municipalities connect human rights, planning and zoning to eliminate problems from arising in the first place.

We reached out and delivered public education and training, including online or e-learning modules, to make sure that people from across Ontario can learn about what their human rights are and how to protect them. And we reinforced partnerships with police services and education sectors to help make human rights lived realities.

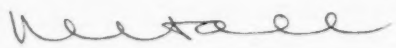
We also took targeted legal action at the Human Rights Tribunal of Ontario (HRTO) and in the courts, including the Supreme Court of Canada, to clarify the law and enforce the *Code*. We settled Commission-Initiated Applications against three municipal transit providers, and made their services more accessible to riders with visual disabilities. We intervened in applications before the HRTO involving mental health, and at higher courts on issues involving family status, competing rights, creed and freedom of expression.

There is a common thread to most of the examples I have given – that thread is partnership. The only way our small organization can make a genuine impact on the lives of more than 13 million Ontarians is by working with partners who help us expand our reach. More than ever, we are reaching out to communities, getting input, raising awareness and working with them on solutions.

We are using new technology – social media, online surveys, an improved website – while at the same time acknowledging that face to face meetings are often the best way to hear and to be heard.

All of this would be impossible without the inspired work of a dedicated, passionate and smart team of Commissioners and staff who share a commitment to building respect for the human rights of every Ontarian.

Are we ready for the next generation? I think we are. And more importantly, I think they are ready – to learn from paths already taken, to add their own experiences to the mix, and to be the new visionaries who advance human rights across Ontario. I look forward to seeing what the next 50 years will bring.



Barbara Hall
Chief Commissioner

Human rights: the next generation

On June 15, 2012, Ontarians have something important to celebrate, as we mark the 50th anniversary of Ontario's *Human Rights Code*. This was the first such Code in Canada, and from the very beginning positioned Ontario to be a leader in protecting, promoting and advancing human rights.

Leading up to that historic day, and over the next half-century, the rules – and our society – have changed as issues were resolved and new issues emerged. This annual report is designed to introduce some of the key points of change, and the people who through their personal experiences or their work in the human rights system helped to advance human rights to where they are today.

But human rights continue to evolve. This annual report talks about the work in progress at the Ontario Human Rights Commission – the OHRC – and about what we are doing to continue the tradition and the contributions of so many people.

And finally, it's designed to introduce the ideas, aspirations and leadership of young Ontarians, who are the next generation of human rights advocates, community builders, and who are our hope for the future.

From the next generation...

"Human rights means to me equality amongst everyone. It means to openly practice your religion, culture, etc. without being worried that someone will say something. It means that every one is equal and no one should be above anyone."

– Luula, age 17

The next generation at Parkdale Collegiate.

Minds that matter: asking questions about human rights, mental health and addictions

In late 2010 and 2011, the OHRC embarked on the largest public consultation in our history, to hear directly from people with mental health or addiction disabilities. We wanted to learn:

- The types of discrimination that happen based on mental health disabilities and/or addictions in the areas of housing, services and employment
- If there are laws, policies, procedures or systemic practices related to housing, employment or services that disproportionately disadvantage people with mental health issues and/or addictions
- The kind of information housing, service providers and employers need to know to help protect the human rights of people with mental health disabilities and/or addictions
- What the OHRC and other bodies can do to prevent and address these human rights issues, and raise public awareness.

We conducted several focus groups and interviews with people with psychiatric disabilities or addictions, and with employers, housing providers, and organizations that provide services to people with mental health issues or addictions. As well, hundreds of people attended both public and private sessions for persons with mental health disabilities and addictions, employers, service and housing providers. These were held in North Bay, Ottawa, Windsor and Toronto. We also invited individuals and organizations to complete a survey or make written submissions. In total, we received more than 1,500 verbal and written submissions.

We are now reviewing the enormous amount of information and will report later this year on what we have learned. That information will form the core of a new policy on human rights and mental health, which we plan to release next year.

Finding out who is doing what

There is growing awareness of the need to respond to discrimination faced by people with mental health issues or addictions. We are working with others to identify priorities and raise awareness. Finding out "who is doing what" is an important step. For example, we:

- Made presentations about mental health and addiction issues to organizations including the Canadian Mental Health Association (various branches)
- Attended a session hosted by the Canadian Human Rights Commission, in concert with several community organizations, on the mental health and human rights of African Canadian men in the corrections system

> Being a mental health patient seems to give people the right to do whatever they wish to you because you will not be seen as a valued member of our society. My mental health issues should not define me as an individual.
>
> – Written submission to the OHRC consultation on mental health and addictions

- Worked with the Landlord Tenant Board and the Society of Ontario Adjudicators and Regulators (SOAR) to deliver a one-day training workshop to adjudicators and administrators from over 15 different boards and tribunals. This training explored how tribunals can apply the *Code* when addressing the needs of people with mental health issues and addictions, and involved presentations from Neighbourhood Legal Services and Voices from the Street
- Provided similar training with the Consent and Capacity Board
- Together with the Great-West Life Centre for Mental Health in the Workplace and other human rights commissions across Canada, held a one-day forum to discuss human rights in employment for people with mental health or addiction disabilities.

The OHRC continues to meet with other groups and provide updates on our progress. We created a mental health rights theme page on our website and issued a "Top of Mind" newsletter to update individuals and groups on our activities. We also provided training to staff at the Centre for Addiction and Mental Health on human rights and mental health in employment and housing.

From the next generation...

"Less people with mental disabilities would be homeless."

– Obediah, age 10

A bit of history...

Before the OHRC...

The Ontario Anti-Discrimination Commission was set up in 1959 to raise awareness and educate the public about the new anti-discrimination statutes.

Putting mental health on the "police records check" radar

For a long time now, and again during our consultation, people with mental health illness and their advocates have been raising serious concerns about the adverse effect of interactions with police along with related provisions of the *Mental Health Act*. One area of concern, among others, has been the adverse effect of police records checks.

This work resulted in a new LEARN Guideline on Police Record Checks, released by the Ontario Association of Chiefs of Police in July 2011. This guideline provides a human rights perspective with a focus on people with mental health issues. It shows police services how to conduct police record checks for people seeking work or volunteer opportunities.

The guideline has been endorsed by police services, mental health advocates and vulnerable sector agencies alike as a positive step forward – although all groups agree there are related issues that still need to be addressed. We will continue to look at the interactions between police and people with mental health or addictions issues, to make sure that human rights are built into decision-making.

From the press files...

Law and prejudice

The Ontario Human Rights Code, which is now in effect, is another milestone in this Province's fine record in the area of anti-discrimination laws. The new code consolidates the Fair Employment Practices Act, the Female Employees Fair Remuneration Act, the Fair Accommodation Practices Act and the Ontario Human Rights Commission Act. It combines education and enforcement under the administration of the Human Rights Commission.

Source: The Globe & Mail, June 18, 1962

Living Rights Project adds a human face to human rights

In February 2012, the OHRC launched the Living Rights Project, a web-based living library that puts real people into the human rights discussion. The project was created to celebrate the 50th anniversary of Ontario's *Human Rights Code*, and to be an ongoing resource for all Ontarians. Several schools, including Parkdale and Cedarbrae Collegiates in Toronto, are involved as program partners.

The OHRC is inviting all Ontario residents to submit short videos, essays, letters, poems, songs, or any other artistic work that tells a human rights story. Submissions can talk about what "Human rights in Ontario" means, or tell a personal story related to the grounds of the *Code*, such as age, colour, disability, sexual orientation, etc. Stories can be positive or negative – the project's goal is to teach people about experiences over the past 50 years, as well as to look forward as the next generations learn about and advance human rights.

Ontarians of all ages and backgrounds are invited to add items to the virtual library. As well, special categories have been added to encourage school involvement – where the next generation of human rights pioneers will get their start.

The project will be launched online in Fall 2012, and will become an ongoing, regularly updated resource that will continue to tell the human rights story. Full details are available on the OHRC website at www.ohrc.on.ca.

A bit of history...

Getting started in 1962

Ontario's first *Human Rights Code*, proclaimed on June 15, 1962, prohibited discrimination in signs, services, facilities, public accommodation, employee and trade union membership on the grounds of race, creed, colour, nationality, ancestry and place of origin.

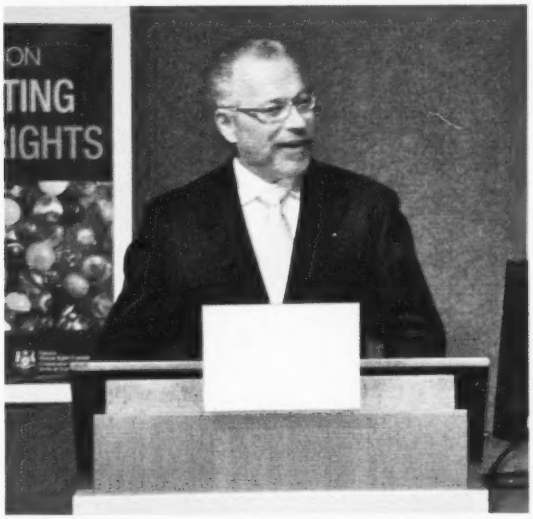
Toronto District School Board Chair Chris Bolton and Barbara Hall join students and staff at Parkdale Collegiate Institute to launch the Living Rights Project.

Competing rights: setting the stage for respectful dialogue

We live in an increasingly diverse and complex society in which all citizens enjoy a variety of rights, freedoms and corresponding obligations. It is inevitable that conflicts between rights will arise.

The Canadian *Charter of Rights and Freedoms*, provincial human rights legislation and the courts recognize that rights have limits if they interfere in a significant way with other people's rights. We know that no right is absolute, and we all have a shared obligation to search for solutions to reconcile competing rights on a case-by-case basis. The goal is to maximize enjoyment of rights on both sides. This starts with respectful dialogue, and sometimes requires legal steps as well.

It is often difficult to strike a balance between different rights – which is why we have supported public discussion and provided policy guidance. Our final goal was to create a *Policy on competing human rights*, which we launched in April 2012.



Len Rudner, Director of Community Relations and Outreach for the Centre for Israel and Jewish Affairs, offers his insights on the OHRC's *Policy on competing human rights*.

This policy outlines a series of steps that various sectors, organizations and individuals can take to deal with everyday situations of competing rights and avoid legal action. The policy may also give guidance to the Human Rights Tribunal of Ontario and the courts for addressing cases where litigation cannot be avoided.

The policy is the result of almost seven years of work that included consultation and discussion with key groups that tended to experience or litigate competing rights issues. Highlights of our background work included:

- Releasing a research paper, "Balancing competing rights: towards an analytical framework" in 2005
- Making a submission to the Canadian Human Rights Commission on section 13 of the *Canadian Human Rights Act* and the regulation of hate speech on the Internet in January 2009
- Working with York University for Public Policy and the Law to hold a policy dialogue on competing human rights in March 2010
- Publishing research papers from the policy dialogue in a special edition of *Canadian Diversity* in July 2010, and co-publishing an expanded volume of the papers in the coming months

From the press files...

Professor urges legal action

"This prejudice, like all others, will break down only when the two groups take part in interaction. What is needed is a change in relationship, and to attain that, the laws can and must be used."

Source: Professor Everett W. Bovard, University of Toronto, as quoted in the Globe and Mail, November 1, 1954

- Designing a draft framework for addressing competing rights, and testing it at a two-day workshop with representatives from Ontario's education sector along with a cross section of rights holders in December 2010
- Releasing a legal research paper, "The shadow of the law: surveying the case law dealing with competing rights claims" in early 2012.

The policy and the framework it contains are already being lauded as an important tool to help individuals, organizations and decision-makers effectively deal with some of the most challenging rights issues affecting Ontarians.

Applying the framework in the courts

The OHRC has intervened in relevant cases proposing its framework to help the courts examine competing rights questions. In *N.S. v. M---D. S. & M---L. S.* the courts are considering whether allowing a woman to wear a "niqab" veil as religious accommodation while testifying against the men alleged to have sexually assaulted her would interfere with their *Charter* right to full answer and defence. The Ontario courts' decisions reflected the OHRC's framework in their analysis. The issue is now before the Supreme Court of Canada.

We also intervened in *Saskatchewan Human Rights Commission v. Whatcott* at the Supreme Court of Canada. The issue here is whether freedom of expression and religion include the right to distribute pamphlets alleged to contain hate speech targeting gays and lesbians.

A bit of history...

Celebrating International Human Rights Day, circa 1962

While we deplore and condemn violations of human rights elsewhere in the world and stand aghast before such ugly manifestations as the Berlin Wall, we must never cease to concern ourselves with those walls of prejudice which still exist in our own community – and sometimes in our own minds – and which deny our fellow citizens that justice and equality of opportunity which is their inalienable right. Justice, like charity, should begin at home.

– Premier John Robarts, October 12, 1962

Grade 11 Co-op Program students from Cedarbrae Collegiate Institute take part in the launch of the OHRC's *Policy on competing human rights*.

On the 50th anniversary of the Ontario *Human Rights Code*: 1962–2012

By A. Alan Borovoy

On such occasions, comparisons between then and now are irresistible. In this case, the comparisons are also monumental.

Little more than two decades before 1962, a boatload of Jews fleeing European Nazism was unceremoniously denied admission to Canada. The incident produced little public reaction. In the 1970s, boatloads of Vietnamese fleeing Asian Communism were not only allowed to come here, but in many cases, also subsidized to do so.

At the end of the 1930s, a Harvard law graduate with a brilliant academic record, upon his return to Toronto, was unable to get a job with a city law firm. The hapless graduate was Jewish. In the 1970s, that graduate had become the chief justice of Canada: Bora Laskin.

In the 1940s, racial, religious, and ethnic discrimination were both legally permissible and socially respectable. Today, such discrimination has become unlawful in the market place and disreputable in many social situations. Indeed, in today's Canada, there are anti-discrimination laws in virtually every jurisdiction, and human rights commissions with full-time staff to administer and enforce those laws.

Who would have dreamt 50 years ago that some of our leading medical and law schools would be enrolling more women than men? And few reputable people would have dared to defend – let alone to promote – the right of same-sex marriage.

The Ontario *Human Rights Code* is both a consequence of – and an influence on – all this social change. In addition to making us grateful, our experience should also inspire greater efforts. Intergroup injustice remains a persisting reality. The changes we've seen demonstrate that it is possible not only to fight – but also to beat – such injustice. In my view, that is the legacy of the last 50 years.

Taking a fresh look at creed

La croyance
Creed

From the very beginning 50 years ago, Ontario's *Human Rights Code* included protection from discrimination because of creed. Half a century later, creed continues to be an area of discussion and sometimes conflict in communities across Ontario and across Canada.

In our 1996 *Policy on creed and the accommodation of religious observances*, we interpreted creed to mean "religious creed" or "religion." Under this policy, religion was defined as a professed system and confession of faith, including both beliefs and observances or worship.

A belief in a God or gods, or a single supreme being or deity was not required. So the definition of creed included non-deistic bodies of faith, such as the spiritual faiths and practices of First Nations, Inuit and Métis cultures. As well, it could include new and emerging religions, which were assessed on a case-by-case basis.

But this interpretation of what creed means in the *Code* may be outdated, since many things have changed in the past 15 years. That's why we are in the early stages of drafting a new policy on creed that reflects today's beliefs, issues, challenges and society.

In our new policy, we will take another look at defining the ground of creed in the *Code*, and we will offer updated ways for respecting and advancing creed rights in our increasingly complex world.

This policy project will involve a wide consultation, which we began in late 2011 by issuing a call for papers and presentations on creed. These were featured in our policy dialogue on creed rights in January 2012, which we hosted in partnership with the University of Toronto's Multi-faith Centre and Religion in the Public Sphere Initiative, as well as its Faculty of Law. The event was well attended by a broad section of faith and other groups.

Papers produced for the event will be published by the Association of Canadian Studies in a special issue of *Canadian Diversity Magazine*.

In March 2012, we published a case law review of creed rights, and hosted a legal workshop with our partners, York University's Centre for Law and Public Policy, Centre for Human Rights and Osgoode Hall Law School.

We will be taking many other consultation steps over the next two years, including several options for the public to add their voices, before we have the information and input we need to design the new policy.

We also intervened at the Human Rights Tribunal of Ontario (HRTO) in *Ketenci v. Yeates School of Graduate Studies at Ryerson University* (March 2012).

The applicant alleged she was discriminated against based on her ethical veganism. We made submissions arguing that the HRTO should begin by determining whether the application has a reasonable prospect of success, assuming ethical veganism is a creed. If this was the case, then we recommended that the issue of whether ethical veganism is a creed should be determined. The HRTO later issued a decision dismissing the application. It found that the applicant had no reasonable prospect of establishing she was discriminated against based on creed. Because of this finding, the HRTO did not have to decide whether ethical veganism is a creed.

From the next generation...

"I think that the Human Rights Act is a very helpful and useful thing ... It tries to do away with discrimination as much as it can so no one will be left out because of their race, colour, or religion."

– Nicolas, Grade 9

Addressing Aboriginal rights

Some long identified human rights issues have been very slow to change. The discrimination faced by Aboriginal peoples continues, and is hugely damaging. Informing Aboriginal peoples about their human rights is a first step, while the OHRC builds relationships to exchange information and learn.

In the past year, the OHRC has:

- Delivered a one-day human rights training session for staff of the Union of Ontario Indians in North Bay
- Met with the Nipissing First Nation and later took part and delivered a presentation in a two-day educational workshop on the Nipissing First Nation reserve, hosted by the Union of Ontario Indians for its affiliates, in partnership with the Canadian Human Rights Commission. This session focused on preparing First Nations governing authorities for the repeal of section 67 of the Canadian *Human Rights Act* as well as an introduction to the Ontario *Human Rights Code*
- Presented at the Indigenous Bar Association annual conference in Ottawa
- Met with Nishnawbe-Aski Legal Services Corporation in Thunder Bay.

As part of our ongoing relationship-building with Aboriginal peoples in Ontario, we are working with colleagues at the Truth and Reconciliation Commission of Canada. We are exploring the ways that reconciliation and human rights intersect and how we can help eliminate barriers and discrimination that affect Aboriginal peoples.

From the next generation...

"The S.S. St Louis reminds us of the struggle of 937 Jews and the many sacrifices they had made to be on the ship that was supposed to sail them towards freedom. I think that Jewish people on S.S. St. Louis felt abandoned, neglected, and unwanted ... Canada has to look back at their past and think about what happened when S.S. St. Louis came to Canada for help and freedom."

– Chimme, Grade 9

A bit of history...

Life Together raises the human rights bar

In July 1977, the OHRC released a comprehensive report, *Life Together*, that outlined the findings of a province-wide consultation on the Ontario *Human Rights Code* and what could be done to improve it. The report recommended sweeping changes, many of which would eventually become law. Recommendations included:

- Giving the *Code* "primacy," which means that unless a law specifically says otherwise, the *Code* takes precedence
- Extending protection from discrimination to contracts
- Integrating human rights into the education system and policing
- Adding protection from discrimination by association
- Adding marital status and age as protected grounds in housing
- Adding physical disability, sexual orientation and criminal record as *Code* grounds
- Expanding who can make a human rights complaints from a single person to a "class or person"
- Adding the ability to deal with systemic or "constructive" discrimination
- Changing the age provisions from 40 or over to 18 or over.

– Source: *Life Together*, 1977

Correctional Services: the MCSCS Human Rights Project Charter

In August 2011, after lengthy litigation, a settlement was reached on a human rights complaint filed by Michael McKinnon against the Ministry of Community Safety and Correctional Services (MCSCS). The settlement included creating a three-year Human Rights Project Charter agreement among MCSCS, the Ministry of Government Services (MGS) and the OHRC. Its purpose is to support MCSCS's human rights organizational change initiatives, and to make sure the change process addresses public interest concerns.

The project partners will work to identify and eliminate any discrimination in all MCSCS employment and service activities, with a special focus on the needs and concerns of Aboriginal people. The work includes:

- Creating an organizational culture that holds all staff accountable for upholding human rights-related obligations, as well as setting specific accountability for human rights change initiatives
- Supporting ongoing efforts to recruit, select, promote and retain qualified people who reflect Ontario's diversity
- Providing human rights, equity and diversity training and professional development to create a working environment that fully complies with the *Code*
- Setting up effective workplace discrimination and harassment prevention standards and procedures, including completing investigations in a timely way, and creating a comprehensive complaint tracking database.

From the next generation...

"We wouldn't need jails because no one would have a reason to commit crimes."

– Obediah, age 10

Putting the leaders and staff in place

Project sponsors are the three Deputy Ministers of MCSCS and MGS, along with the OHRC Chief Commissioner. Despite facing challenges in the first months with the appointment of new Deputy Ministers at both MGS and MCSCS, plus a major staffing change, the project now is making excellent progress. Project members have created an overall work plan and a plan to evaluate project outcomes and effectiveness. It will be important to maintain staff continuity as much as possible for the project and its implementation.

Each of the three partner organizations has offered extensive training on their operations, so that key executives and senior staff understand:

- *Human Rights Code* obligations and principles
- Applicable human resources policies in the Ontario Public Service
- MCSCS' business operations and its human rights challenges, opportunities and initiatives.

This training has helped build trust among the partners, and a deeper understanding of the project's goals and context.

A bit of history...

A much different place

My arrival in Ontario predated this milestone Human Rights legislation by a few years and I can say first-hand that our Province became a much different place. At the time, there was little recourse or protection against discrimination and prejudice. The advent of the *Code* has indeed helped us to become a better society reflective of our diversity and talent.

– Jean Augustine,
Ontario Fairness Commissioner

Building on existing initiatives

MCSCS and MGS also have given the OHRC documents on initiatives already underway that meet some of the Project Charter's change objectives. In addition, MCSCS provided data from:

- Exit surveys
- Employee Engagement survey
- Workplace Discrimination and Harassment Prevention Policy
- Inmate/client human rights-related complaints.

Focusing on key areas

Subcommittees of both management and staff will do much of the essential work of the project. Members will work on:

- Accountability for human rights improvement
- Recruitment, selection, promotion and retention
- Aboriginal issues
- Training
- Managing human rights-related complaints
- Evaluation.

From the press files...

Start prosecution for discrimination

Steps to launch the first prosecution under Ontario's anti-discrimination law were taken yesterday in the case of Morley McKay, Dresden café owner.

He is said to have refused service last Friday to a Toronto Negro, Bromley Armstrong.

... Next step will be the issuing of a summons against McKay, charging him with practicing racial discrimination.

Source: Globe and Mail, November 4, 1954

Recruitment for these committees is underway, and training is planned for all members. An Executive Committee has been meeting for several months, reporting to the Project Sponsors. The Project Sponsors will also receive advice from an External Advisory Group, with expertise in Aboriginal issues, human rights issues and organizational change. A way is being proposed to include the inmates' perspective.

Looking ahead

In fall 2012, the subcommittees will look at the strengths and weaknesses in human rights performance in employment and client service, and will develop and prioritize strategies and initiatives for improvement.

An Advisory Committee, which includes a representative from the Ontario Public Service Employees Union, will review the recommendations and forward them to the Executive Committee, with their advice, for approval. MCSCS will implement the initiatives in the project's second and third years, and the outcomes will be evaluated. Practical, measurable impact and sustainability of initiatives will be important considerations.

The OHRC will take part regularly in all committees to provide human rights expertise and to monitor the project's continued progress in achieving the public interest goals, including:

- Achieving significant medium-term improvements in the human rights climate and performance in MCSCS
- Making sure that all management and staff continue to be accountable, and have the systems and capacity to sustain an organizational culture where human rights obligations are built in to all parts of their work and are consistently met.

The Project Charter does not preclude the OHRC from becoming involved in litigation in appropriate cases to address systemic issues.

We're proud to support LGBT2Q rights

In the past year, we have been reaching out and supporting a number of groups and sectors to help promote and protect rights for lesbian, gay, bi-sexual and transgender persons.

For example, we have continued to support efforts by various organizations to have gender identity added as an explicit ground of the Ontario *Human Rights Code*. Transgender individuals continue to be very marginalized in society. Recognizing this explicitly would send a strong message that transgender persons must enjoy the same human rights protections as all other Ontarians.

From the next generation...

"If you see anyone who is getting bullied or harassed please try to stop them and try to help them."

– Sujeththan, Grade 9

Many aspects of bullying in schools raise serious human rights issues. We have met with a number of community groups regarding gay-straight alliances and in May 2012 will appear before the government committee considering Bills 13 and 14, which both deal with adding anti-bullying amendments to the *Education Act*.

A bit of history...

Adding sexual orientation to the *Code*

In 1986, the *Code* was amended to bring it more line with the Canadian *Charter of Rights and Freedoms*. The key change was the addition of sexual orientation as a ground, which fulfilled the vision of the OHRC's 1977 *Life Together* report. The OHRC was also empowered to initiate complaints itself or at the request of another party.

Sharing the celebrations: while the OHRC celebrated its 50th anniversary in 2011, we also took part in several events to commemorate the 25th anniversary of the inclusion in the *Human Right Code* of the ground of sexual orientation. For example, we joined colleagues in the Ontario Public Service Pride Network to march in Toronto's annual Pride Parade with a banner commemorating our 50th anniversary with the motto "Ontario Human Rights Commission = 50, PRIDE = forever!

Close to home: housing highlights

Zoning in on zoning

Every day, people across Ontario face barriers to finding or keeping rental housing because of disability, age, race, creed, sexual orientation, disability, receipt of social assistance, family status, and other grounds of the *Human Rights Code*. These barriers often arise because landlords make assumptions about people based on characteristics that usually have nothing to do with their ability to be good tenants.

But there are other kinds of barriers – like the systemic ones that arise from municipal planning and zoning decisions that, often unintentionally, further limit the housing options of vulnerable people. Examples are requiring minimum separation distances between group homes, or limiting the number of bedrooms people can use in rental housing. The OHRC believes that planning and zoning are areas that need much change across the province, and we continued to work in this area over the past year.

Challenging decisions of individual municipalities

We made written submissions and/or presentations to a number of city councils to outline our concerns in several areas, including to:

- The City of Toronto Planning and Growth Management Committee raising concerns about Toronto's Draft Zoning Bylaw
- The City of Waterloo Council on its proposed rental housing licensing bylaw, which had some positive amendments, but other provisions could have a discriminatory effect
- The City of North Bay, raising concerns about its draft bylaw and the potential adverse effect on students (age discrimination), persons with disabilities and others living in group homes
- The City of Hamilton, raising concerns about the human rights implications of denying a group home zoning application by the Lynwood Charlton Centre, which was seeking permission to house eight teenage girls with mental health issues
- The City of London, commenting on proposed amendments to their Official Plan and Zoning By-Law that would treat methadone clinics differently and the impact this may have on people with addiction disabilities.

Taking legal steps

As well, we continued to make strategic legal interventions in a number of cases related to zoning and human rights. Many complaints are about minimum separation distances. We continue to intervene in cases challenging zoning rules that limit options for affordable and supportive housing for people with mental health or other disabilities. For example:

- An application against the City of Toronto at the Human Rights Tribunal of Ontario. Other parties in this case are the Dream Team (an organization led by psychiatric consumer survivors) the Advocacy Centre for Tenants Ontario (ACTO) and the Human Rights Legal Support Centre

From the next generation...

"People would live longer and make new inventions because they would have more time because there wouldn't be wars and conflict."

– Emet, age 9

- In Tribunal cases (with the same partners) against the cities of Smiths Falls and Kitchener. These cases are currently at the mediation stage, while the Toronto case is pending.

We also intervened as a party in a case at the Ontario Municipal Board involving the City of Guelph. We challenged a Guelph zoning bylaw that used minimum separation distances to limit rental houses with accessory apartments and also reduced the number of units that could be rented in lodging houses. It appeared that these provisions were being used to keep young people out of neighbourhoods, and would also result in a loss of affordable rental housing that would affect other people who identified under *Code* grounds (such as seniors, newcomers, people with disabilities, single-parent families and people on social assistance).

In February 2012, the City of Guelph repealed the bylaw, and has committed to working with the OHRC to effectively deal with rental housing issues.

Using legal forums is not our first choice to overcome discriminatory barriers to housing. By the time a case goes to a tribunal or court, the damage to the people wanting to live in a neighbourhood or community is often already done. Instead, our goal is to prevent the damage from happening in the first place, by working with municipalities to arrive at systemic solutions that make communities welcoming to all residents.

An example of this "avoiding the damage" approach was our letter to the City of Toronto about the potential human rights impact of the sale of a large number of houses by Toronto Community Housing.

A bit of history...

Bill 107 – the latest reform

On June 30, 2008, Bill 107 came into force. This major reform of Ontario's human rights system included:

- Changing the role of the Ontario Human Rights Commission to not have carriage of individual human rights complaints, focusing instead on working on systemic or root causes of discrimination
- Having people make complaints – called applications – directly to the Human Rights Tribunal of Ontario
- Creating a new organization – the Human Rights Legal Support Centre – to provide legal advice to people making complaints.

From the next generation...

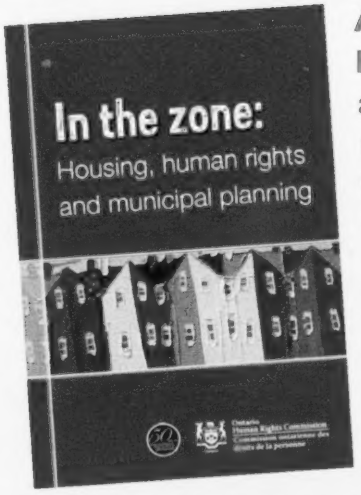
Student journalist speaks out on rental bylaws

Now, we're starting to see the Commission provide a check and balance against the ways municipalities have traditionally dealt with boarding houses, residential care facilities, and rental bylaws.

Rental bylaws, like the one that was recently passed in Waterloo, have serious impacts for us students. Now, specifically targeting students in a bylaw is illegal.

But nobody wants to see Northdale decline any further, nor do we want to see other parts of the city become student ghettos. The challenge is to regulate the rental housing market without shutting people out of it.

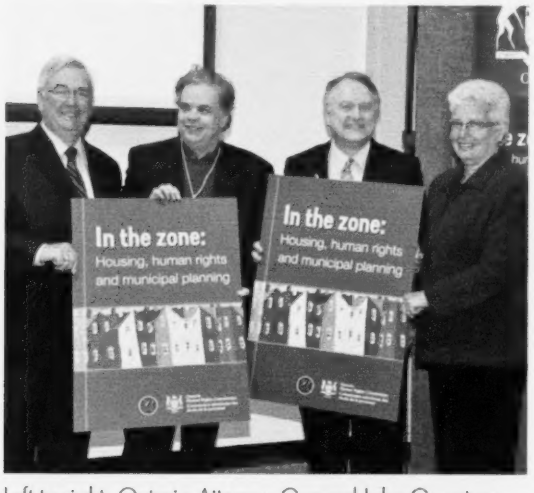
Source: Sam Nabi, Imprint (University of Waterloo), March 16, 2012.



A new guide for human rights and zoning

In February 2012, we launched *In the zone: Housing, human rights and municipal planning*. This guide offers municipalities information about their legal obligations, and about the tools and best practices they can apply to connect human rights and housing when making zoning and planning decisions. We consulted planning experts, human rights and planning lawyers, housing providers and advocates to make sure the guide reflects a wide range of views.

We launched the guide at Queen's University, at a one-day training forum for municipal staff and associates of the Canadian Coalition of Municipalities Against Racism and Discrimination (CCMARD). The forum featured presentations on organizational change to eliminate racism and discrimination, collecting human rights-based data, setting up special programs under the Ontario *Human Rights Code*, and a look at the CCMARD Toolkit for Municipalities.



Left to right: Ontario Attorney General John Gerretsen, Kingston Deputy Mayor Jim Neill, David Gordon, Professor and Director, School of Urban and Regional Planning, Queen's University and OHRC Chief Commissioner Barbara Hall launch a new guide on human rights and municipal planning.

Copies of *In the zone* have been sent to every municipality in Ontario. More than 30 have asked for extra copies for municipal staff. The guide is receiving a lot of support from both municipalities and advocates, and we receive many requests to provide training on it. We plan to deliver training with the Ministry of Municipal Affairs and Housing in eastern Ontario, in Guelph and in Midland, among other locations. We will continue to reach out across the province over the next few years to address systemic human rights issues in housing.

Making sure licensing is not a licence to discriminate

Rental housing licensing is a fairly new concept – only in the past few years have municipalities had the authority to license and regulate various forms of rental housing. Several municipalities, especially those that are home to colleges and universities, have adopted or are considering rental housing licensing bylaws.

For the past three years, we have contacted several municipalities on these bylaws, including the Cities of Oshawa, North Bay, Waterloo and Windsor. We have consistently raised concerns about minimum separation distances, bedroom caps, gross floor area requirements, applying bylaws across the entire municipality and other issues that appear to target certain *Code*-protected groups or result in differential treatment of these groups.

In March 2012, we took our concerns further by launching two public interest inquiries to take a closer look at rental housing licensing bylaws in North Bay and Waterloo.

"While rental housing licensing can be a valuable tool for promoting the safety and security of tenants, the ability to license must not be a licence to discriminate. We want to make sure this isn't happening."

– Chief Commissioner Barbara Hall

The inquiries will help us to discover if there are discriminatory effects of licensing policies on *Code*-protected groups, identify possible solutions, and suggest ways municipalities can draft bylaws that respect and protect the human rights of tenants.

The first phase of the inquiries involved online surveys for tenants, landlords, community groups, advocates and service providers in the North Bay and Waterloo areas, along with a meeting with student groups in North Bay. We are also reviewing documents that each city relied on when developing the bylaws. Other steps will be determined once the survey and document review is completed. This summer, we will report on what we heard, lessons learned, and recommendations for making sure that rental housing licensing efforts reflect the vision and the legal obligations of the Ontario *Human Rights Code*.

Opening the door to fairer housing ads

Over the past few years, housing websites have become an increasingly popular way to both advertise and look for housing. In response to community concerns about discriminatory online ads, the OHRC and its housing partners looked at 28 sites that offer housing listings, and then did a detailed review of four of the largest websites that provide rental housing listings for Ontario. On some sites, we found that up to 20% of online ads for smaller rental housing units contained statements that were either directly or potentially discriminatory. Our research also showed that often the public is not aware of the full range of housing protections under the *Code*.

Most landlords and tenants want to comply with housing-related laws. But they need some resources to know what their responsibilities are. That's why the OHRC and our partners wrote to operators of rental housing websites and print media asking them to work with us to prevent, identify and remove discriminatory ads. We suggested some best practices such as providing information on human rights in housing, and including a non-discrimination clause on forms that landlords use to place ads. We also developed an online fact sheet that has tips on how to write a non-discriminatory housing ad, provides examples of discriminatory statements such as "adult building," "must provide proof of employment" or "No ODSP (Ontario Disability Support Program)," and suggests fairer alternatives. Other support materials include landlord and tenant brochures and an e-learning module on Human Rights and Rental Housing.

From the next generation...

"The issues are not trivial. Planners can either make human rights a focus, or continue to shrug them aside to the detriment of social well-being."

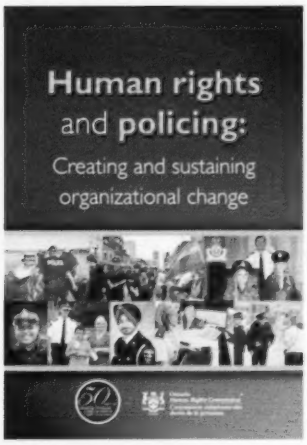
Source: Sam Nabi, Imprint (University of Waterloo), March 16, 2012.

A bit of history...

Housing cases from the start

Khoun v. Rosedale Manor (1963), the OHRC's first housing case to go before a Board of Inquiry (the precursor to the current Human Rights Tribunal of Ontario), involved an Indonesian student being refused accommodations because of his race. The respondents agreed to a comprehensive settlement that helped set a framework for future settlements and a trend toward conciliation.

Putting human rights in policing



New guide shares our experience

As part of our ongoing work with police across the province, we released a new guide. *Human rights and policing: creating and sustaining organizational change* aims to encourage and support police services across Ontario in building human rights into all their work.

The guide was inspired by our project charter work with the Toronto Police Service, the Toronto Police Services Board, Ontario Police College and most recently, the Windsor Police Service. Through that work, we have gained valuable insight on how police services can apply human rights principles at all levels of their organization. The Toronto project is currently being evaluated, and results will be available in late 2013.

The guide defines and explains key human rights terms and principles. It includes best practices to help police better serve the needs of Ontario's increasingly diverse communities by offering inclusive police services and addressing human rights issues before they happen. It also offers advice on how to use a human rights lens in every part of a police service, including internal staffing and training. While the guide refers to experiences from the Toronto Police Service's human rights work, it also provides direction on how these can be applied in services of all sizes across Ontario.

This guide has received positive feedback from police services across the country. As well, many non-police organizations are using it to help their own change efforts, as the lessons it contains can be applied in areas beyond policing. To meet this need, we are currently drafting a version of the book that focuses on organizations in general, which will be available in late 2012.

Celebrating Year 1 in Windsor

March 2012 was the one-year anniversary of the Human Rights Project charter, a three-year initiative where the OHRC is working with the Windsor Police Service (WPS), the Windsor Police Services Board (WPSB) and the Ontario Police College (OPC).

This three-year initiative involves a joint effort by project partners to identify and address human rights issues. The project will develop initiatives to prevent and eliminate racism and other forms of discrimination in the employment policies and the delivery of policing services by the Windsor Police Service. Project goals include:

- Improving community representation in the WPS, expanding recruitment outreach efforts to underrepresented communities, and ensuring that promotional processes are fair and equitable for all members
- Establishing a human rights policy that makes sure that WPS and WPSB activities, policies, procedures, directives and job descriptions of civilian and sworn positions include components that focus on and comply with Ontario's *Human Rights Code*
- Collecting data on internal and external human rights complaints, and developing performance management mechanisms to realize the Project Charter's change initiatives
- Increasing the human rights knowledge base through training and education.

During the first year, the project partners set up four subcommittees to address key areas of concern: recruitment, selection, promotion and retention; accountability; public liaison; and accommodation (for example, meeting the needs of people with disabilities).

Progress has been encouraging – first-year results show a strong commitment at senior levels for positive human rights change and show what can be achieved when partners work together to address human rights concerns.

When systemic change is not enough – using the law

Systemic change in policing does not mean the need for vigilance goes away. That's why litigation continues to be part of the OHRC's strategy to address human rights in law enforcement. We intervened in the case of *Phipps v. Toronto Police Services Board* where the Human Rights Tribunal of Ontario found that Toronto Police had racially profiled Ronald Phipps, who is Black, when he was delivering mail in an affluent Toronto neighbourhood. That case went to judicial review, with the OHRC again intervening. In March 2012, the Divisional Court upheld the HRTO's decision.

We are involved in two cases about inmate care in custody, where we hope to address the way services are provided to inmates, so that their human rights are respected. This is also part of the Project Charter with the Ministry of Community Safety and Correctional Services.

We are also intervening in a series of cases against several police services on how section 45.1 of the *Code* applies in the context of the *Police Services Act*. Section 45.1 says that "the Tribunal may dismiss an application... if the Tribunal is of the opinion that another proceeding has appropriately dealt with the substance of the application." In these cases, the issue, which the Tribunal described as "a significant one," is whether it can dismiss a human rights application because the applicant's complaints made under the *Police Services Act* were not found to be substantiated.

The African Canadian Legal Clinic, the Office of the Independent Police Review Director, Metro Toronto Chinese & Southeast Asian Legal Clinic and South Asian Legal Clinic of Ontario are also intervening in these cases, which include:

- *Shallow v. Toronto Police Services Board*
- *Claybourn v. Toronto Police Service*
- *Leong v. Peel Regional Police Services Board*
- *de Lottinville v. Ontario (Community Safety and Correctional Services)*
- *Ferguson v. Toronto Police Services Board.*

From the press files...

Won't let legislation collapse, premier says of Dresden cases

... The Dresden people were convicted on charges of refusing to serve Negroes. When they appealed before Kent County Court of Appeal, the convictions were thrown out by Judge Henry Grosch.

Premier Frost described as ridiculous reports that the convictions had been put aside because neither restaurant keeper had told the Negroes they weren't being served because of their color.

"Surely it isn't necessary that a bank robber must announce that he is going to hold up a bank before he is convicted of bank robbery?" he remarked.

..."The fact that others were being served in the restaurants while the Negroes were being ignored should have indicated discrimination. It shouldn't be necessary for a statement or a written notice telling them why they weren't being served."

Source: Globe and Mail, September 16, 1955

Disability: building bridges, not barriers

Moving forward with transit

In 2011, the OHRC reached settlements with the cities of Hamilton, Greater Sudbury and Thunder Bay in three transit-based cases at the Human Rights Tribunal of Ontario. We filed the complaints in 2009 to increase accessibility for riders with vision disabilities by ensuring the transit services called out all transit stops.

All three transit providers took action and now have automated call out systems that incorporate backup procedures should the systems malfunction. The transit providers monitor their systems regularly to make sure they are working properly, and provide training for all drivers. As part of the cities' commitment to accessible service, they have also helped transit riders learn about the stop announcement systems, and provided ways for riders to raise any concerns or get more information.

We also continued to follow up with both Variety Village and the Toronto Transit Commission about the Variety Village bus stop. This new stop made Variety Village, in Scarborough, more accessible for people with disabilities who rely on transit.

A bit of history...

Accessible transit an issue – in 1977

[A] great many physically disabled people would like to be able to make use of regular transportation facilities – of buses, trains and subways – like anyone else, and it should usually be possible for them to do so.

– Source: *Life Together*, 1977

Update on the AODA

We have suggested ways to improve a full range of accessibility standards being developed by the Ontario Government under the *Accessibility for Ontarians with Disabilities Act* (AODA). A number of these have now become law under the Integrated Accessibility Standards Regulation. This Regulation sets out requirements for employment, information and communication, and transit that will help to prevent many new barriers. For example, similar to our transit settlements, we were successful in getting requirements to announce transit stops included in the Regulation.

Another positive change is that organizations must train their staff on the rights of people with disabilities under the *Human Rights Code*. This led to a partnership between the OHRC, the Accessibility Directorate of Ontario and Curriculum Services Canada to develop an e-learning module about the relationship between the *Code*, the AODA and its regulations. The module will set out human rights principles for implementing AODA standards and will be released this year.

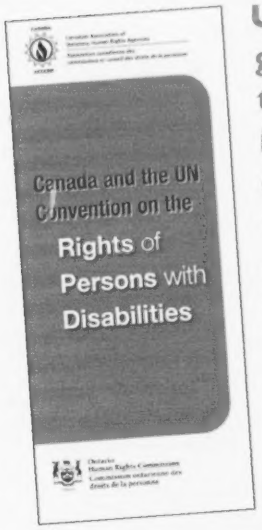
We continue to be concerned, however, that the regulations often do not require removing existing barriers. This may not meet the requirements of the *Code* and will be of particular concern for the built environment standards, which the Government of Ontario is expected to release this coming year.

From the next generation...

"Knowing my rights has helped me in my life by giving me the knowledge to understand what is and what isn't acceptable in terms of discrimination. I also know what I'm entitled to as a Canadian citizen and I use that to my advantage every day."

– Tracy

In the first statutory review of the AODA, Charles Beer called for a provincial policy framework on accessibility so that other legislation, regulations, standards, policies, programs and services harmonize with the AODA and the *Code*. We supported this recommendation, and continue work to make this happen.



Urging government to meet international obligations

We celebrated International Human Rights Day in December, 2011, by calling for a policy framework approach to disability issues in a joint press release issued through the Canadian Association of Statutory Human Rights Agencies (CASHRA). We asked governments at all levels to meet their obligations under the United Nations Convention on the Rights of Persons with Disabilities (CRPD).

A bit of history...

Discrimination laundering

The Commission is encountering a growing number of incidents of discrimination committed on behalf of clients by such intermediaries as employment agencies and management consultants. This practice constitutes, in effect, a "laundering" of discrimination in the sense that the employers themselves have no direct contact with the victims and thus do not appear to be acting in contravention of the *Code*, though clearly they are as responsible for discrimination as the agent who accepts the assignment ... Indeed, acts of discrimination of this kind are frequently so covert that the victim may not even know that he or she is being discriminated against.

– Source: *Life Together*, 1977

In 2011, the OHRC and other commissions met with national disability organizations, including the Council of Canadians with Disabilities and the Canadian Association for Community Living, to discuss how we might work together to monitor implementation of the CRPD and report on results. With their input, the OHRC developed a brochure to promote the CRPD in Ontario and across Canada. The brochure is already being reprinted for distribution by the Council of Canadians with Disabilities, and others.

One of the requirements under the CRPD is to make sure people with disabilities can take an equal part in political and public life. This includes the right to vote by secret ballot, and to run for and hold office. Other requirements are accessible voting procedures, facilities and materials, and making it possible to use assistive technology (Article 29).

Working with the Law Commission on disability

The Law Commission of Ontario is developing a tool to guide government in drafting legislation, regulations, policies and programs so that they protect the rights of people with disabilities. The OHRC is a member of the Law Commission's Disability Project Advisory Group, along with ARCH Disability Law Centre and other groups representing persons with disabilities.

From the next generation...

"In a couple years down the road, I would like for the awareness of Human Rights to increase within the youth demographic. I believe that if the youth are more aware of their rights a lot of the issues which are currently happening will decrease immensely."

– Diriye, age 20

Continuing to work on special diet allowances

We have also been promoting the rights of persons with disabilities in other areas of public policy. In 2008, we referred almost 200 individual complaints about the Ontario Government's Special Diet Allowance Program to the Human Rights Tribunal. This program was designed to help people with the extra costs of therapeutic diets prescribed by their heath care professionals.

The Tribunal considered three "lead" complaints and in February 2010 found the program's eligibility criteria violated the *Human Rights Code* because it excluded certain medical conditions or provided relatively unequal amounts for other conditions.

Together with community legal clinics, we continue to be involved at the Tribunal and in enforcing Tribunal orders, so that people with certain medical conditions, including persons with schizophrenia who are taking second generation medication, receive the support they need.

A bit of history...

Are practices really neutral?

[In] 1962, it was generally believed that discrimination took place through conscious overt actions directed against individuals. Therefore, the *Code* expressly prohibited such actions and to some degree deliberate and overt discrimination has declined since then. But the Commission's experience in administering the *Code* during the last fifteen years demonstrates that the most pervasive discrimination today often results from unconscious and seemingly neutral practices which may, none the less, be as detrimental to human rights as the more overt and intentional kind of discrimination.

– Source: *Life Together*, 1977

Disability – looking at the numbers

The OHRC is working on two projects with Statistics Canada and the Canadian Human Rights Commission. These projects look at data that reveal the level of inequality experienced by persons with disabilities across socio-economic indicators like income, housing, education and employment. One study focuses on people with mental health disabilities and the other on people with disabilities in general. We will report on the results over the coming year.

Seberras v. the Workplace Safety and Insurance Board

In *Seberras v. the Workplace Safety and Insurance Board*, we intervened at the Tribunal on the preliminary issue of the definition of services. The Tribunal ruled that providing WSIB benefits and the system used does constitute a service, but that individual eligibility decisions are not.

This case involves looking at whether the WSIB's Traumatic Mental Stress policy and related provisions of the *Workplace Safety and Insurance Act* are discriminatory because they add arbitrary requirements that are not required for people with physical injuries. The Tribunal has not yet held a hearing on the merits of the case.

Tranchemontagne v. the Ministry of Community and Social Services

We intervened at the Ontario Court of Appeal in another critical case involving disability – in this case, severe alcohol addiction. The Court upheld the Divisional Court's earlier decision that found denying disability benefits to people whose sole disability is addiction is discriminatory.

From the next generation...

"I believe that all men and women should have the same rights."

– Tenzin, Grade 9

Human rights and inclusive education: continuing the connection

Since 2005, the OHRC has been working with the Ministry of Education to build on the positive structural and policy changes reached in the "safe schools" settlement, which changed the way Ontario schools managed discipline. This is reducing the disproportionate effect that certain policies and practices have on racialized students and students with disabilities, among others. We are very pleased to advise that all of the terms of the settlement have now been implemented.

This past year, we also provided support as the Ministry implemented its Equity and Inclusive Education Strategy in all Ontario school boards. As we move into 2012, the government is proposing additional amendments to address bullying especially based on race, sexual orientation and gender identity. These important systemic changes should help further prevent discrimination in our schools.

We continue to play an active role in education sessions across the province. In the past year, we regularly provided human rights training and/or keynote speeches at events hosted by the Ministry of Education, the Ontario Education Services Corporation (OESC), le Centre ontarien de prévention des aggressions (COPA), safe school networks, the Regional Equity and Inclusive Education Networks, and directly to schools and school boards across the province.

A bit of history...

No annual reports?

[It] is surprising that, in its fifteen years of public service to date, there has been no request or provision for the Ontario Human Rights Commission to make an annual report, other than a few perfunctory paragraphs included in the reports of the Ministry of Labour. The Commissioners recommend that an Annual Report should be prepared each year to be tabled in the Legislature and made available to the public.

– Source: *Life Together*, 1977

E-learning for teachers

The OHRC is working with teachers' federations to develop an e-learning module for teachers, and is helping the Ministry of Education develop policy guidance on human rights and student discipline. This will help school boards and educators identify human rights concerns in board policies.

We will continue to train educators, monitor compliance with human rights settlements and work with the Ministry of Education to encourage collecting human rights-based data in Ontario's public schools – this is a key tool that can help people understand and address disadvantage and discrimination.

British Columbia v. Moore

In March 2011, the OHRC intervened at the Supreme Court of Canada in *British Columbia v. Moore*, a case involving a student who alleged discrimination because he was not given appropriate accommodation in education for his severe dyslexia. We intervened in this case to make sure that the area of "services" in human rights codes is given a broad interpretation. We argued that to prove discrimination, people who need accommodation do not have to show they were treated worse than others who needed

A bit of history...

Dick does, Jane watches

An analysis of [school] guidance pamphlets found that girls were generally encouraged to become hygienists or nurses, while boys were encouraged to become dentists or doctors. Although the cover of one recent guidance pamphlet depicts a woman in a white coat, the text inside refers to the doctor throughout as "he". Such male and female stereotyping was also found in primary school readers, where the message seems to be that "Dick does" and "Jane watches".

– Source: *Life Together*, 1977

accommodation. In the years ahead, we continue to focus on making sure students with disabilities are accommodated "to the point of undue hardship."

Mentoring the next generation – taking our message directly to schools

As well as working towards systemic solutions, we are committed to working with individual schools and student groups. This approach offers us unique opportunities to share a human rights message with the decision-makers of tomorrow, as well as to learn first-hand about the realities students face today.

From the press files...

Seventy organizations demand law to end racial discrimination

Representatives of nearly 70 organizations, including several hundred men and women, will meet Premier Frost at Queen's Park today to present a brief urging passage of legislation to deal with racial and religious discrimination.

Source: Toronto Daily Star, January 24, 1950

In the past year, we have worked with students in Media Studies and other classes at Parkdale Collegiate Institute. This included providing several classroom training sessions on human rights, and launching our Living Rights Project at a special Parkdale assembly.

We have also made connections with Cedarbrae Collegiate Institute, through the MAG-TDSB Co-op Partnership, and are currently serving as mentors to two Grade 11 co-op students. These students are learning about human rights, and equally important, are sharing what they learned with their friends and families. This personal networking can often make the difference in whether rights are simply nice words or they are actually lived and understood. We also hosted 60 Cedarbrae classmates at the launch of our Policy on competing human rights, and will continue to make co-op students a part of our human rights network.

From the next generation...

"We can change racism and the way people are getting treated badly around the world if we just think about giving the people we think are different from us another chance."

– Sujeththan, Grade 9

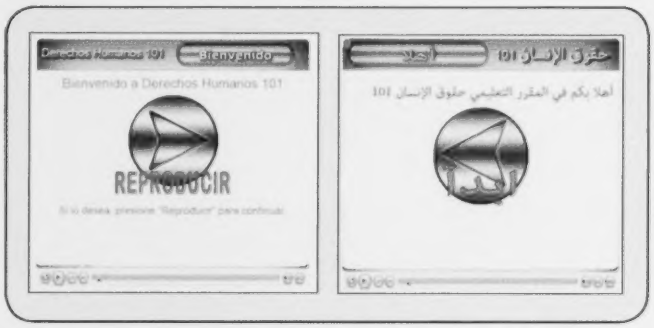
Adding a youth perspective to discussions on human rights at York University.

Human Rights 101 – advancing human rights in any language

In late 2011, as part of our outreach to new communities, the OHRC launched two new versions of its popular e-learning module, Human Rights 101. The two new versions offer users information on human rights history, principles, legislation and policies in Arabic and in Spanish. We're also working on 11 other languages – Italian, Korean, Punjabi, Portuguese, Somali, Tamil, Tagalog), Urdu, Vietnamese, Chinese (Cantonese) and Chinese (Mandarin).

The new versions were launched at an International Human Rights Day event hosted by the Overland Learning Centre, a Toronto District School Board (TDSB) adult learning centre, and the Thorncliffe Neighbourhood Office. The Overland Learning Centre has a large English as a Second Language Program helping many new Canadians integrate into Canadian society.

Links to the Human Rights 101 modules are available on the OHRC website at www.ohrc.on.ca.



From the next generation...

"My name is Gasira and what human rights means to me is equality for everyone and peace of mind. I am not scared to get a job or go out because I know I am protected against any form of discrimination."

– Gasira, age 14

From the press files...

Beacon against bigotry

[T]he code will serve as a beacon; a warning against practising racial prejudice in this province, a statement of public policy on which sufferers from slurring discrimination can lean. It should, as Premier Robarts has said, "create a climate of understanding and mutual respect among our people." As often as not, the problem is not communal bigotry, but communal apathy to bigotry. This code should help to reduce such apathy.

Source: Editorial, Toronto Daily Star, Friday, June 15, 1962

A bit of history...

Getting to the root causes of discrimination

Because historical and institutional discrimination is so pervasive and complex, the Commission cannot deal with it effectively only by responding to individual complaints. It is essential that its mandate be broadened and its procedures be made sufficiently flexible to enable it to cope with human rights problems that are at the root of discrimination, rather than dealing only with the individual incidents of discrimination that arise from such problems.

– Source: *Life Together*, 1977

Getting the message out – keeping in touch across Ontario

When a new issue arises, we often hear about it first in the media. And the media is often the best venue for commenting on an issue to a wide audience. Throughout the past year, we continued to use media interviews, releases and advisories, and letters to the editor to respond to issues, correct inaccuracies and educate new audiences about human rights.

Some of the issues where we received significant media coverage in the past year included:

- Mental health and human rights
- Canada's responsibilities under U.N. Convention on the Rights of Persons with Disabilities
- Lynwood Charlton zoning issue in Hamilton
- Rental housing licensing bylaws in Waterloo and North Bay
- Racial profiling cases in the courts.

"Getting the message out" is a critical part of the work we do. This past year the OHRC began to take advantage of the communication tools offered by social media. We've since attracted more than 700 "friends" to our Facebook page and more than 1,400 "followers" to our Twitter stream. We've discovered that those social media networks reach different audiences looking for different sorts of stories. We've also found that we are increasing the awareness of all our work among people who we might not reach with "traditional" publications. One immediate result – we believe our new social media presence played a key role in getting more than 1,400 people to take our online survey on mental health and addiction issues.

Follow us!

www.facebook.com/the.ohrc

twitter @OntHumanRights

Social media also helps us be more accessible. We have now made five of our brochures available in American Sign Language and Quebec Sign Language, known in French as Langue des signes québécoise (LSQ). These are posted to our YouTube channel and linked from our website.

We also used more traditional means – letters and submissions – to share our input on a variety of issues. Examples, also on our website, included:

- Submission to the Ministry of Labour about input for Canada's 2011 International Labour Organization (ILO) Article 22 Report on Discrimination (Employment and Occupation) Convention
- Submission to the Office of the High Commissioner for Human Rights for their study on participation in political and public life in accordance with Article 29 of the *Convention on the Rights of Persons with Disabilities* (CRPD). This submission highlighted the work we have done in this area, especially involving making elections more accessible.
- Submission to the Minister of Municipal Affairs and Housing on Bill 140, Strong Communities through Affordable Housing Act, 2011.

Making the personal connection

We worked hard last year to keep in touch with people across Ontario, using many electronic options to send our messages to the widest possible audience. And we worked just as hard to help Ontarians connect with the real people who work at or lead the OHRC.

Staff consulted and offered human rights training in over 40 venues, and also met with groups across Ontario on a wide range of issues. Here are some highlights:

- Provided training on human rights and student discipline to the Ontario Secondary School Teachers' Federation
- Provided "train-the-trainer" sessions on human rights and inclusive education for COPA (le Centre ontarien de prévention des agressions) and also for Conseil des écoles publiques de l'Est de l'Ontario
- Worked with the Workplace Safety and Insurance Board on applying the *Code* in their policies and practices
- Led training on human rights and policing for the Ontario Association of Police Services Boards
- Hosted "Human rights from A-Z," a one-day training event in Kingston in partnership with the City of Kingston, Queens University and the Canadian Coalition of Municipalities Against Racism
- Led policy dialogue and legal workshops to begin the discussion on revising the OHRC's creed policy
- Presentation to PREFER (Peer Recovery Education for Employment and Resilience) on discrimination, harassment and accommodating mental health issues in workplaces
- Met with other groups, such as the Centre for Equality Rights in Accommodation, Social Rights Advocacy Centre and Rainbow Health Ontario, to discuss ways to advance a range of human rights concerns.

From the press files...

Ontario lays first civil rights charge

The first prosecution under the Ontario Human Rights Code since it became law in 1962 was ordered today by the Ontario Human Rights Commission.

Mrs. W. A. Fletcher, owner of Fletcher's Cottages at Brydon's Bay, Gravenhurst, will be charged with refusing to rent to two couples because they are Jewish.

Since the code was introduced four years ago, there have been 12 cases of alleged discrimination but none has previously reached court. Others were resolved by conciliation.

Source: Toronto Daily Star, August 31, 1966

Left to right: OHRC Counsel Margaret Flynn, Barbara Hall and Inquiry Analyst Jacquelin Pegg answer audience questions on municipal zoning.

As well, Chief Commissioner Barbara Hall met or spoke with more than 100 communities and groups across the province, to build partnerships and share critical human rights messages. Highlights of her speeches and presentations included:

- Waterloo City Council, Waterloo
- Ontario Association of Police Services Boards, Niagara Falls
- Courtice Secondary School, Courtice
- Roadmap 2030 Conference, Toronto
- Workplace Safety Symposium, Mississauga
- Ontario Education Services Corp./Ministry of Education Symposium, Toronto
- Hamilton Civic Centre for Inclusion, Hamilton
- Ontario Multifaith Council, Toronto
- Human rights and policing, Thunder Bay Police Service, Thunder Bay.

We can't be everywhere, but our materials can

We regularly receive requests for printed materials that explain specific human rights issues. These are especially of value to social agencies and smaller organizations that may not have the resources to produce their own materials. To make sure readers got the most up-to-date advice possible, over the past year we reviewed, updated and redesigned every OHRC brochure, and added some new ones, on subjects such as:

- Disability and human rights
- Sexual orientation and human rights
- Sexual and gender-based harassment: know your rights
- Sexual harassment in education
- Gender identity and human rights
- Human rights for tenants
- Human rights in housing: an overview for landlords
- Canada and the UN Convention on the Rights of Persons with Disabilities
- Racial discrimination
- Racial harassment: know your rights
- Age discrimination
- Pregnancy and breastfeeding
- Human rights and family status
- Introducing … The Living Rights Project.

Each brochure is available in English and French, and is also available on the OHRC website. As well, printed versions of the two housing brochures are also available in 13 other languages, and we are currently designing several other brochures in 13 languages beyond English and French.

Disability and Human Rights
Guidelines on developing human rights policies and procedures
HUMAN RIGHTS and FAMILY STATUS
Pregnancy and breastfeeding
Sexual orientation and human rights

In the courts: family status and sex discrimination case

The OHRC intervened at the Federal Court in *Seeley v. CN*, a judicial review of a decision of the Canadian Human Rights Tribunal. The Tribunal had found that CN discriminated against Ms. Seeley by requiring her to relocate without considering her obligations as a parent. The Court has not yet released its decision.

OHRC interventions

OHRC interventions at the Human Rights Tribunal of Ontario, 2011/12:

Disability and housing:

Dream Team v. Toronto (City)

Dream Team v. Corporation of the City of Kitchener

Dream Team v. Corporation of the City of Smith's Falls

Disability and employment:

Seberras v. Workplace Safety and Insurance Board

Disability and services:

Lawson v. Ontario (Community and Social Services) (16 cases; intervention begun in June 2010 is ongoing)

Zufelt v. Regional Municipality of Waterloo

Aganeh Estate v. Mental Health Care Penetanguishene

Race and related grounds:

McKinnon v. MCSCS (settlement reached in 2011)

Shallow v. Toronto Police Services Board

Claybourn v. Toronto Police Service

Leong v. Peel Regional Police Services Board

de Lottinville v. Ontario (Community Safety and Correctional Services)

Ferguson v. Toronto Police Services Board

Gender identity:

XY v. Ontario (Government and Consumer Services)

Creed:

Ketenci v. Yeates School of Graduate Studies at Ryerson University

OHRC interventions in cases before courts and tribunals (other than the HRTO):

Disability:

Moore v. British Columbia (Supreme Court of Canada)

Race:

Phipps v. Toronto Police Services Board (Court of Appeal for Ontario)

Phipps v. Shaw (Ontario Divisional Court, Court of Appeal for Ontario)

Creed, competing rights:

R. v. N.S. (Supreme Court of Canada)

Creed, sexual orientation, competing rights:

Saskatchewan Human Rights Commission v. Whatcott (Supreme Court of Canada)

Family status:

Canadian National Railway v. Seeley (Federal Court)

Housing:

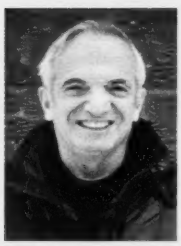
City of Guelph (Ontario Municipal Board; case withdrawn when the City of Guelph repealed the bylaw in question)

Financial position as at March 31, 2012 ($'000)

	2011-2012 Printed Estimates	Revised Budget March 31, 2012	2011-2012 Total Expenditures	2011-2012 Year End Variance from Revised Budget	
				$	%
Salaries & Wages	4,598.4	4,040.6	4,061.0		
Employee Benefits	330.8	473.9	514.1		
Other Direct Operating Expenses (ODOE)	624.9	1,043.9	989.7		
Total	5,554.1	5,558.4	5,564.8	(6.4)	-0.1%

Larry McDermott – Lanark – Appointed September 2009
A member of Shabot Obaadjiwan First Nation, Larry McDermott served as an Ontario municipal politician for 28 years including as the first national rural chair of the Federation of Canadian Municipalities. He is currently Executive Director of Plenty, a non-profit organization devoted to environmental protection and healthy communities.

Errol Mendes – Ottawa – Appointed September 2009
Errol Mendes is a lawyer, author, professor and has been an advisor to corporations, governments, civil society groups and the United Nations. His teaching, research and consulting interests include public and private sector governance, conflict resolution, constitutional law, international law and human rights law and policy.



Mark Nagler – Hamilton – Appointed September 2009
Mark Nagler, Professor Emeritus, taught sociology, race and ethnic relations, native studies and disability studies for 29 years at the University of Waterloo. A past president of ARCH, he has served on many volunteer boards and has advised the federal and provincial governments on a variety of aspects related to disability issues.

Fiona Sampson – Toronto – Appointed September 2009
Fiona Sampson is the Human Rights Director at Canadian Lawyers Abroad (CLA), where she is also the Director of the African and Canadian Women's Human Rights Project. Fiona has worked as a legal consultant with, among others, the Ontario Native Council on Justice, the DisAbled Women's Network (DAWN) of Canada, Education Wife Assault, and the Ethiopian Muslim Relief and Development Association.

Bhagat Taggar – Scarborough – Appointed May 2005
Bhagat Taggar is a Chartered (UK) and Professional (Ontario) Engineer with diverse international and Canadian community experience. He is the past chair of the Employment Insurance Board for the Ontario regional division (Scarborough) and a recipient of the Queen's Golden Jubilee Medal for community service.

Maggie Wente – Toronto – Appointed October 2006
Maggie Wente, who is Anishnabe and a member of Serpent River First Nation, is a lawyer with Olthuis Kleer Townshend LLP, representing First Nations governments, individuals and organizations. She has also worked with the Ontario Federation of Indian Friendship Centres and volunteered at Downtown Legal Services, a community legal clinic. Currently she is President of Aboriginal Legal Services of Toronto.

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